REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI DRAFT - MONDAY, APRIL 9, 2012 AT 7:00 P.M. COUNCIL CHAMBERS - NOVI CIVIC CENTER - 45175 W. TEN MILE ROAD

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey,

Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager

Victor Cardenas, Assistant City Manager

Tom Schultz, City Attorney

Jason Mangum, Director of Parks, Recreation and Cultural Services

Rick Mitchell, Communications Manager

APPROVAL OF AGENDA

CM-12-04-42 Moved by Wrobel, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the Agenda as presented with an addition of a second

Audience Comment before Committee Reports.

Roll call vote on CM-12-04-42 Yeas: Staudt, Casey, Fischer, Margolis

Mutch, Wrobel, Gatt

Nays: None

PUBLIC HEARING:

1. Special Assessment District No. 176 - Woodham Road Water Main Extension

Call to the Public at 7:01: No public comment received. Mayor Gatt closed the Call to the Public.

PRESENTATIONS:

1. Proclamation in Recognition of Arbor Day, Saturday, April 28, 2012 at Brookfarm Park from

10 a.m. to Noon - Jason Mangum, Director of Parks, Recreation and Cultural Services

Mayor Gatt presented Jason Mangum, Director of Parks, Recreation and Cultural Services, and Wendy DuVall, Recreation Supervisor, with the proclamation. Director Mangum said that one of the highlights as a Parks and Recreation Director was to be in the parks and to participate in the Arbor Day festivities where members of the community, young and old alike, come out to enjoy this wonderful resource that we have and celebrate that. The benefit of trees, from the economic benefit and the natural resource benefit, was really one of the greatest things that we have in our environment and our community.

2. Proclamation in Recognition of National Emergency Telecommunicator's Week April 8 – 14, 2012 – Rick Mitchell, Communications Manager

Mayor Gatt presented the proclamation to Rick Mitchell, Communications Manager and Dispatcher Geary. Communications Manager Mitchell said he appreciated Council taking the time to recognize and to create this proclamation for the communications workers at the Novi Public Safety Communications Center. Shift Leader, Tracey Geary, he said, was one of those people that are the unsung and unseen heroes of this occupation. This is the first point of contact. These are the people that have to listen what is going on while the officers or firemen are on the way. They really have a job that the rest of us can't imagine. It is similar to being an air traffic controller. The things they have to listen to and things they have to deal with are beyond comprehension for most of us. They are truly heroes even though you don't see them in the police cars or fire trucks. Thank you for your time and the recognition. He will hang the proclamation in the dispatch center proudly.

REPORTS:

- 1. MANAGER/STAFF None
- 2. ATTORNEY None

AUDIENCE COMMENT:

Tom Lindberg, 24009 Glenridge Court, said he was a 23 year resident and a 26 year employee of Novi. He explained that it was extremely ironic that on January 20, 1986 was the first day he was employed as a Novi police officer and while he was wandering around the station, he was asked to go on a ride with an officer. That officer was Bob Gatt and now it is ironic he is saying goodbye to him as Mayor Gatt and other members of Council. He had reflected a great deal on his last 26 years and there are a number of things they did, a lot of fun, but the most important thing was relationships and the number of people he has built relationships with including celebrating Easter, yesterday, with a former member of Council in 1986, when he was sworn in, Mr. Ed Leininger. He spoke of relationships he built with staff, whether it was Clay Pearson or Victor Cardenas, going on a bike ride, as well as, staff within the police department. While he will miss that interaction, he was sure he will stay involved and stay in contact with all the members who have helped him out along the way and he hoped to be successful in the future. He especially wanted to thank Chief Molloy for putting him in a position to succeed, as well as, the rest of the staff, whether it was Assistant Chief Lauria or Lt. Hart or with anyone else he has had contact with in those 26 years. In the end, he is not leaving and will be right next door. He was sure they will stay in contact. He thanked everyone for all the help and assistance along the way. Mayor Gatt thanked him and said the one word to describe Chief Lindberg was integrity. He can tell anyone first hand that he is the most honest and trustworthy person he had the privilege of knowing. He wished him good luck.

Dr. Tracey Arbour, 47205 Scarlet Drive South, was there to ask for the support of the City of Novi in the issue of the DTE Smart Meters. She understood that Council was aware of the issue because of previous City Council meetings where it has been brought to the attention of the Council on January 9th and February 6th of this year. We now have until next Monday, April 16th, to formally address the Michigan Public Service Commission and to enact a resolution and moratorium against Smart Meters. She didn't know if Council was familiar with the Smart Meters. First of all, the Smart Meters have already been installed in Novi as of last spring, 2011 without any informed knowledge or consent to the residents as to the fact that the Smart Meters weren't mandatory and that we could have the option to opt out and keep the analog meters. If given an option ahead of time, it would have been nice to know about this before they installed them, so we could have done some homework and made an informed and educated decision as to whether we wanted to accept the meters or opt out of them. Because of the astute awareness and action of about 11 or more other cities and townships here in Michigan, a bill has been proposed to stop and withdraw the installation of Smart Meters in our State per House Bill (HB) 5411. The stance taken by these Cities and Townships should be commended. They acted to protect the residents from the known health, environmental, and fire issues that these meters have caused, along with protecting the consumers for their right to choose. She was there just to say she believed that Novi with its excellent reputation should be openly aware, active and have some input into this matter. She knew we only had a week left to respond because the deadline for the State of Michigan was April 16th, next Monday, but she wanted to put it out there and has plenty of information if anyone would like it. She didn't know how many residents were really informed about this. She didn't know if there was a committee that got together because there were a lot of issues. She wanted to bring up the awareness and offer any assistance or anything else that she could do as a resident here.

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-M):

CM-12-04-43 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

Roll call vote on CM-12-04-43 Yeas: Casey, Fischer, Margolis, Mutch,

Wrobel, Gatt, Staudt

Nays: None

- A. Approve Minutes of:
 - 1. March 26, 2012 Regular meeting
- B. Approval of a traffic control device maintenance agreement with the Road Commission for Oakland County for the existing traffic signal on Eastbound 12 Mile Road, 1,600 feet west of Meadowbrook Road (currently serving several properties adjacent to the DMC facility).

- C. Approval to enter into intergovernmental agreement establishing the Oakland County Tactical Training Consortium (Oak TAC).
- D. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Novi Town Center Investors, LLC, for the Novi Town Center Building "F" redevelopment located near the intersection of Crescent Boulevard and Ingersol Drive (parcel 22-14-351-062).
- E. Approval of a request by Willowbrook Community Association to remove the conditions under paragraph 7 of the Street Sign Agreement requiring the Association to pay the City for the cost of replacing the existing decorative signs with standard signs upon termination of the agreement and to terminate the Street Sign Agreement with the City of Novi dated July 30, 1993.
- F. Approval of Resolution No. 5 for Special Assessment District No. 176 (Woodham Road Water Main Extension) approving the special assessment roll and authorizing construction of the project.
- G. Approval to renew the City Generator Preventive Maintenance and Repair Services contract for a one-year term with American Generator Sales and Service, LLC for an estimated annual amount of \$26,085 for preventative maintenance and \$10,000 for repairs.
- H. Approval to award a contract to purchase a 2012 Ford Van for the Senior Transportation Program through the State of Michigan MiDeal Cooperative Purchasing program, in the amount of \$35,798 and with a \$1,000 trade in for a total of \$34,798.
- I. Approval to award the purchase of an Aries TR330 Pathfinder pipeline television inspection system to Fredrickson Supply, LLC in the amount of \$59,650.
- J. Approval to ward a one-year renewal option of the sanitary sewer closed circuit televising and cleaning contract with Metro Environmental Services, Inc. based on the terms, conditions and pricing of the existing contract, for an estimated cost of \$40,000 and an effective date of April 10, 2012.
- K. Approval to award the final of three one-year renewal options of the water service connection contract with D&D Water and Sewer, Inc., based on terms, conditions and pricing of the existing contract, for an estimated annual cost of \$75,000 and an effective date of April 10, 2012.
- L. Approval to award a two-year Aggregate Materials contract, with a single oneyear renewable option, to three low bidders based on unit pricing for each material, for a total estimated amount of \$99,117.
- M. Approval of Claims and Accounts Warrant No. 865

MATTERS FOR COUNCIL ACTION:

1. Consideration of A) whether Gold Buy and Jewelry, Inc. is a jewelry store, similar to other jewelry stores commonly found in Novi, operating in Suite D of Gateway Village and will have a clearly incidental part of that use being the pawn activity, limited to no more than 10% of overall sales, and such use is permitted in the Gateway Village pursuant to Consent Judgment dated May 16, 2001; and B) whether to grant or deny a new Pawnbroker License.

City Manager Pearson explained this item was brought over from the last meeting. Staff was asked to do some research particularly with comparable gold jewelry shops with a specific example given a little farther West on Grand River Ave. The ancillary gold and silver precious metal pawning was said to be about 3% of the business there with a much larger footprint building. It was set for Council consideration to confirm approval with this consent judgment with this use being amended and built in no more than 10% for the pawn shop activity.

Member Margolis was glad she got the information back because she was comfortable doing this only if it was an incidental use of no more than 10% based on the information they got. It seemed like an appropriate amount. She could support a motion to determine that it is a jewelry store and would support granting a pawn broker license for that amount. She confirmed that it would have to be done in two separate motions.

Mr. Haddad, Owner, appreciated Council taking their time to consider this as a small percentage and blessings as continuing as a small business in Novi as he has been for the past seven years. He really appreciated it.

CM-12-04-44 Moved by Margolis, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve Gold Buy and Jewelry, Inc. is a jewelry store, similar to other jewelry stores commonly found in Novi, operating in Suite D of Gateway Village and will have a clearly incidental part of that use being the pawn activity, limited to no more than 10% of overall sales, and such use is permitted in the Gateway Village pursuant to Consent Judgment dated May 16, 2001

Roll call vote on CM-12-04-44 Yeas: Fischer, Margolis, Mutch, Wrobel,

Gatt, Staudt, Casey

Nays: None

CM-12-04-45 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve a new Pawnbroker License for Gold Buy and Jewelry, Inc.

Roll call vote on CM-12-04-45 Yeas: Margolis, Mutch, Wrobel, Gatt,

Staudt, Casey, Fischer,

Nays: None

2. Consideration of adoption of Ordinance Text Amendment and amended fee resolution to update Chapter 24, "Outdoor Gatherings":

- a) Consideration of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. **First Reading**
- b) Consideration of a resolution establishing the amended fees for outdoor gatherings under Section 24-18(6).

City Manager Pearson said this recommendation was from the Consultant Review Committee and asked Council to look at updating this part of the ordinance. They do think there is an important value in having a review of large gatherings such as this so we can make sure fire codes and public safety is all protected. There was an ordinance on the books for requiring 30 days for submission that was causing a problem for the applicants and for us and we are asking to reduce to ten days and would require it to be followed. There wouldn't be people coming in short of that so we could have the full review. Also, there were updates for fees that go along with it.

Member Margolis said she was part of the Ordinance Review Committee to take a look at this issue. We recommended that it be presented to the Council. She thought it made sense. She thought the length of time that was previously listed was not realistic and was causing difficulty for both the City side and the application.

CM-12-04-46 Moved by Margolis, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the First Reading of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process.

Roll call vote on CM-12-04-46 Yeas: Mutch, Wrobel, Gatt, Staudt,

Casey, Fischer, Margolis

Nays: None

CM-12-04-47 Moved by Margolis, seconded by Fischer; MOTION CARRIED: 6 - 1

To approve a resolution establishing the amended fees for outdoor gatherings under Section 24-18(6).

Roll call vote on CM-12-04-47 Yeas: Wrobel, Gatt, Casey, Fischer,

Margolis, Mutch

Nays: Staudt

3. Approval of Ordinance Text Amendment 12-173.04, as recommended by the Ordinance Review Committee, to amend Chapter 26.5, Performance Guarantees, of the City of Novi Code to revise requirements for posting a guarantee to allow posting a performance bond. **First Reading**

City Manager Pearson said the Ordinance Review Committee has been hard at work and looked at our provisions for performance guarantees for work that's done in the public right of way. They tried to protect the City with the provisions. We need with some guarantees but yet modernize the language to make it a little more flexible for the applicants and remove some language about financial hardships which, upon further reviews, are not worth the trouble to try to interpret and handle. They wanted to make it clean across the board. That was the recommendation of Staff and members of the Ordinance Review Committee.

CM-12-04-48 Moved by Mutch, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the First Reading of Ordinance Text Amendment 12-173.04, as recommended by the Ordinance Review Committee, to amend Chapter 26.5, Performance Guarantees, of the City of Novi Code to revise requirements for posting a guarantee to allow posting a performance bond.

Roll call vote on CM-12-04-48 Yeas: Gatt, Staudt, Casey, Fischer, Margolis,

Mutch, Wrobel

Nays: None

4. Approval to purchase an International 7400 SBA 4X2 Single Axle V-Box Truck from Tri-County International Trucks, Inc., the low bidder, in the amount of \$171,815.

City Manager Pearson said this was a big price tag for an item that does a lot of work. The heart and soul of what we do with our operations is relying upon these heavy trucks. It was within the budgeted amount. He appreciated Council's support for keeping our fleet up to date.

CM-12-04-49 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve the purchase an International 7400 SBA 4X2 Single Axle V-Box Truck from Tri-County International Trucks, Inc., the low bidder, in the amount of \$171,815.

Roll call vote on CM-12-04-49 Yeas: Staudt, Casey, Fischer, Margolis,

Mutch, Wrobel, Gatt

Nays: None

5. Approval to award a one year renewal option of the Pavement Marking contract with R.S. Contracting, Inc. based on the terms, conditions and pricing of the existing contract for an estimated annual cost of \$188,067.

City Manager Pearson noted this is a renewal of something of a real basic service that they provide and have been pleased with their performance. The City of Northville is tagging on this contract and using the same terms for work in the City of Northville.

CM-12-04-50 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

To approve the award a one year renewal option of the Pavement Marking contract with R.S. Contracting, Inc. based on the terms, conditions and pricing of the existing contract for an estimated annual cost of \$188,067.

Roll call vote on CM-12-04-50 Yeas: Casey, Fischer, Margolis, Mutch,

Wrobel, Gatt, Staudt

Nays: None

6. Approval to award a one-year contract extension (the second of three potential extensions) to Brien's Services, Inc. to perform the City's 2012 Lawn and Landscape Maintenance Services, for an estimated annual amount of \$164,000.

City Manager Pearson said that this was an example of an appropriate privatization for lawn service around town, for public rights of way and some park properties. He appreciated staffs' oversight of that work.

Member Fischer asked City Manager Pearson, the estimated budget required amount of \$164,000, would that include what we anticipate what we will have to pay given the new surcharge for gas or is that going to be above and beyond. City Manager Pearson said he believed it would be above and beyond but wouldn't be able to tell them that until we got a year's of work or experience with that contractor. Our feeling was to build that in for now as part of this request. If we would go out to bid, we would have to pay that price or something similar with any other vendor. Member Fischer confirmed that it was a one year extension. He was fine with it and didn't see an issue because it was the right thing to do as far as privatization. His concern was that he

would like to see contracts come through with the full price, all inclusive. He didn't like to see surcharges for fuel added on at this point in the game and at this juncture. In the future, when we go out to bid he would like to make sure these things are not included in the contracts.

CM-12-04-51 Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:

To approve the award a one-year contract extension (the second of three potential extensions) to Brien's Services, Inc. to perform the City's 2012 Lawn and Landscape Maintenance Services, for an estimated annual amount of \$164,000.

Roll call vote on CM-12-04-51 Yeas: Fischer, Margolis, Mutch, Wrobel,

Gatt, Staudt, Casey

Nays: None

7. Approval of Resolution authorizing cost participation for the Meadowbrook Road and Nine Mile Road Traffic Signal Reconstruction project under a Federal Surface Transportation Program safety grant and a cost share agreement with Michigan Department of Transportation with an estimated allocation of \$137,600 paid by federal grant funds and \$48,300 to be paid by Novi.

City Manager Pearson said that we have been slowly getting after the intersections to upgrade the signals by making them consistent with the box and instead of wires crossing; it's safer for maintenance of that work. This is a City intersection and once again our engineering staff has been successful in getting outside dollars. In this case, Federal monies pay for a vast majority of the upgrades.

Member Mutch asked in terms of the impact of the actual construction on the intersection, since it looks like this is mainly signal work, he confirmed with City Manager Pearson that they are not anticipating any significant interruption in traffic at that intersection. It was not his side of town anymore but he knew there were a lot of people and members who drive through that intersection regularly. He knows that when people hear construction and imagine orange barrels. This one doesn't sound too painful.

CM-12-04-52 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve resolution authorizing cost participation for the Meadowbrook Road and Nine Mile Road Traffic Signal Reconstruction project under a Federal Surface Transportation Program safety grant and a cost share agreement with Michigan Department of Transportation with an estimated allocation of \$137,600 paid by federal grant funds and \$48,300 to be paid by Novi.

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| Roll Call Vote on CM-12-04-52 | Yeas: | as: Margolis, Mutch, Wrobel, Gatt, Staudt, Casey, Fischer |
|---|-----------|---|
| | Nays: | None |
| AUDIENCE COMMENT - None | | |
| COMMITTEE REPORTS - None | | |
| MAYOR AND COUNCIL ISSUES - None | | |
| CONSENT AGENDA REMOVALS FOR CO | DUNCIL AC | CTION - None |
| COMMUNICATIONS - None | | |
| ADJOURNMENT | | |
| There being no further business to con 7:31 P.M. | ne before | Council, the meeting was adjourned a |
| Robert J. Gatt, Mayor | - 1 | Maryanne Cornelius, City Clerk |
| Transcribed by Jane Keller |] | Date approved: April 23, 2012 |